

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                                 |   |                     |
|---------------------------------|---|---------------------|
| -----X                          | ) |                     |
| STEWART GITTENS, JR.,           | ) |                     |
|                                 | ) |                     |
|                                 | ) |                     |
| Plaintiff,                      | ) | <b>AFFIDAVIT OF</b> |
|                                 | ) | <b>SERVICE</b>      |
| -against-                       | ) |                     |
|                                 | ) |                     |
| THE CITY OF NEW YORK;           | ) | <b>07 CV 9871</b>   |
| KENNETH FISCHER, and JOHN DOES, | ) |                     |
|                                 | ) |                     |
|                                 | ) |                     |
| Defendants.                     | ) |                     |
| -----X                          | ) |                     |

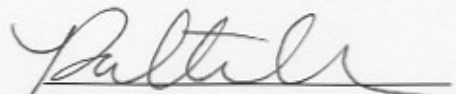
STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NEW YORK )

I, Patricia Choi, being duly sworn, depose and say: that I am over eighteen years of age and am employed by Michael L. Spiegel, Esq., with offices located at 111 Broadway, Suite 1305, New York, New York 10006.

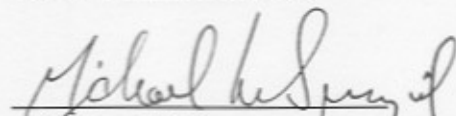
On November 13, 2007, I served a copy of the within Summons and Complaint on:

**Michael A. Cardozo**  
**Corporation Counsel**  
**Law Department**  
**The City of New York**  
**100 Church St.**  
**New York, NY**

by delivering a true copy thereof personally to Tamekia Mendes-Gammon, Docketing Clerk, a person of suitable age and discretion authorized to accept service for the above person at the above location.

  
Patricia Choi

Sworn to before me this 17<sup>th</sup>  
day of November, 2007

  
Notary Public

**MICHAEL L. SPIEGEL**  
**Notary Public, State of New York**  
**No. 02SP5072155**  
**Qualified in New York County**  
**Commission Expires Jan. 27, 2011**

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

STEWART GITTENS, JR.

SUMMONS IN A CIVIL ACTION

V.

THE CITY OF NEW YORK, et al.

CASE NUMBER:

07 CIV 9871

JUDGE SWEET

TO: (Name and address of Defendant)

The City of New York  
100 Church Street  
New York, NY 10006

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Michael L. Spiegel  
111 Broadway, Suite 1305  
New York, NY 10006

an answer to the complaint which is served on you with this summons, within twenty days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

NOV 07 2007

CLERK

*Marino Luntero*

DATE

(By) DEPUTY CLERK



AO 440 (Rev. 8/01) Summons in a Civil Action

| RETURN OF SERVICE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |          |              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|--------------|
| Service of the Summons and complaint was made by me <sup>(1)</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | DATE     |              |
| NAME OF SERVER ( <i>PRINT</i> )                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | TITLE    |              |
| <i>Check one box below to indicate appropriate method of service</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |          |              |
| <div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.<br/> Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div><input type="checkbox"/> Other (specify):</div> |          |              |
| STATEMENT OF SERVICE FEES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |          |              |
| TRAVEL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | SERVICES | TOTAL \$0.00 |
| DECLARATION OF SERVER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |          |              |
| <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____ Signature of Server _____</p> <p style="text-align: center;">_____<br/>Address of Server</p>                                                                                                                                                                                                                    |          |              |

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.